EDMUND G. BROWN JR. Attorney General of California KAREN B. CHAPPELLE Supervising Deputy Attorney General 3 GEOFFREY WARD Deputy Attorney General 4 State Bar No. 246437 300 So. Spring Street, Suite 1702 5 Los Angeles, CA 90013 Telephone: (213) 897-2660 6 Facsimile: (213) 897-2804 Attorneys for Complainant 7 BEFORE THE BOARD OF REGISTERED NURSING 8 DEPARTMENT OF CONSUMER AFFAIRS 9 STATE OF CALIFORNIA 10 In the Matter of the Accusation Against: Case No. 2011-27 11 SYBIL JEAN FRAZIER aka SYBIL JEAN 12 FRAZIER BANG ACCUSATION 13 445 W. El Norte Parkway Escondido, CA 92025 14 Registered Nurse License No. 422753 15 Respondent. 16 17 Complainant alleges: 18 **PARTIES** 19 Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her 1. 20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department 21 of Consumer Affairs. 22 On or about March 31, 1988, the Board of Registered Nursing issued Registered 23 Nurse License Number 422753 to Sybil Jean Frazier aka Sybil Jean Frazier Bang ("Respondent"). 24 The Registered Nurse License expired on July 31, 2007, and has not been renewed. 25 111 26 111 27 111 28

JURISDICTION AND STATUTORY PROVISIONS

- 3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws:
- 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 6. Section 2811(b) of the Code provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.
 - 7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action...."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board, Registrar, or Director may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Colorado State Board of Nursing)

- 9. Respondent is subject to disciplinary action under Section 2761, subdivision (a)(4), because the Colorado State Board of Nursing ("Colorado Board") revoked her license to practice nursing in Colorado. The circumstances of the Colorado Board's disciplinary action are as follows:
- 10. On or about January 26, 2010, pursuant to a Stipulation and Final Agency Order ("Stipulation") in the disciplinary matter entitled, In the Matter of Disciplinary Proceedings Regarding the License to Practice Nursing in the State of Colorado of Sybil Jean Frazier, RN, License No. 173979, the Colorado Board accepted Respondent's relinquishment of her nursing license.
- 11. In the Stipulation, the Colorado Board found, and Respondent admitted, that Respondent had willfully or negligently acted in a manner inconsistent with the health or safety of persons under her care and in a manner which failed to meet generally accepted standards for nursing practice, as follows:
 - a. On or about June 5, 2008, while employed by Memorial Hospital in Colorado Springs, Colorado, Respondent was responsible for monitoring the vital signs of an elderly patient who had undergone a bronchoscopy that morning. The required vital sign protocol required vital signs to be taken every 15 minutes for one hour following the bronchoscopy, then every 30 minutes for the next hour, then every hour, then as needed. Yet Respondent took only one set of vital signs after the patient's bronchoscopy. The patient was found unresponsive and later expired.
 - b. Respondent's failure to follow the vital sign protocol followed previous counseling for practice issues at Memorial Hospital.
- 12. Under the terms of the Stipulation, Respondent agreed to relinquish her license and right to practice as a professional nurse in the State of Colorado. The Stipulation provided that the Colorado Board accepted this relinquishment, and that this acceptance had the full force and effect of a revocation ordered by the Colorado Board.

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Accusation